

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW GRAVES,
Plaintiff,

v.

PATRICK COVELLO,
Defendant.

Case No. 21-cv-03186-JCS

SECOND ORDER TO SHOW CAUSE

Petitioner Matthew Graves, who is represented by counsel, brings a petition seeking federal habeas relief from his state conviction in San Mateo County Superior Court, case 16-NF-011327-A (“the State Action”). On July 11, 2021, the Court issued an Order to Show Cause (“OSC”), finding that Petitioner’s claims were sufficient under 28 U.S.C. § 2254 to warrant a response. It therefore set a deadline of October 12, 2021 for the Respondent to file an answer or dispositive motion. Dkt. no. 7. Although a docket entry dated July 12, 2021 states that the OSC was served by email on the California Attorney General, the OSC was not, in fact, served on the California Attorney General but only on Petitioner’s attorney due to a clerical error. Because the matter was not served, no response to the OSC was filed by Respondents. Petitioner also did not file any further pleadings. Accordingly, for the reasons set forth in the OSC, the Court orders that Respondent shall file an answer or dispositive motion in response to the habeas petition no later than **July 24, 2023**.

The clerk shall serve electronically (1) a copy of this order and the original OSC (dkt. no. 7) and (2) a notice of assignment of prisoner case to a United States magistrate judge and accompanying magistrate judge jurisdiction consent or declination to consent form (requesting that respondent consent or decline to consent within 28 days of receipt of service) upon the

respondent and the respondent's attorney, the Attorney General of the State of California, at the following email addresses: SFAWTParalegals@doj.ca.gov and docketingsfawt@doj.ca.gov. The petition and the exhibits thereto are available via the Electronic Case Filing System for the Northern District of California. The clerk shall serve by mail a copy of this order and the original OSC on petitioner.

IT IS SO ORDERED.

Dated: May 24, 2023



JOSEPH C. SPERO
United States Magistrate Judge

United States District Court
Northern District of California